IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.81 OF 2006
IN
CONTEMPT PETITION NO.152 OF 2006

Ramesh Tahilram Parwani. ..Applicant.

V/s.

Shri Krishna S. Vatsa & Anr. ..Respondents.

Mr.G.H.Keluskar for applicant.

Mrs. S.S.Bhende, AGP for respondent No.2.

Mr.Krishna S. Vatsa, Secretary, Relief & Rehabilitation, Govt. of Maharashtra present.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 2, 2006.

P.C. :

1. Heard counsel for the parties.

2. The Secretary, (Relief and Rehabilitation) Revenue and Forest Department, Government of Maharashtra, is personally present in the court. He has produced original record to point out that the direction issued by the Division Bench of this Court under order dated 21st November, 2005 in W.P.No.442 of 2005 has been complied with. By the said order, the Secretary was directed to dispose of revision applications preferred by the respondent No.9 in the writ petition, as also revision application preferred

by the applicant Shri Ramesh T. Parwani within a period of two months from that day. The original file produced indicates that both the revision applications have been disposed of on 31st December, 2005. It is on the basis of this record, statement was made before this court in the Contempt Petition on June 22, 2006, which statement was accepted and petition was disposed of. The original petitioner has now filed present application for recalling of the order dated June 22, 2006 on the assertion that the statement made before this court on June 22, 2006 on behalf of the Secretary is incorrect.

3. In view of assertion made in the application, the Secretary was called upon to remain present in the court alongwith relevant records. As mentioned earlier, it is obvious that the assertion made in the application is manifestly wrong and incorrect. Counsel appearing for the applicant submits that such assertion has been made on the mistaken belief of the applicant that the third revision application was not decided. Reliance is placed on the statement made in paragraph-6 of the present application, wherein it is mentioned that the Secretary has not decided petitioner’s revision application and no notice of hearing of the said revision application was ever

given to the applicant at any time. The statement as mentioned earlier, is false and incorrect. The applicant can be proceeded with for such false statement made on affidavit for the charge of purgery. However, this application is rejected with further direction to the applicant to pay exemplary costs quantified at Rs.7,500/- to be paid to the High Court Legal Services Committee within one week from today, for having made false statement on affidavit, as because of this false statement on affidavit court was persuaded to issue notice to the Secretary, Relief and Rehabilitation and Forest Department, Government of Maharashtra to remain present in the court alongwith relevant records. Presence of the Secretary before this court was avoidable. It is in this backdrop, I have decided to impose exemplary costs on the applicant for making false statement in lieu of not initiating any proceeding against the applicant for action of purgery. If amount of cost is not paid within one week from today and the receipt is not produced in the registry, office shall proceed to issue bailable warrant against the applicant in the sum of Rs.15,000/- returnable on 31st August, 2006. Those proceeding will be treated as Suo Moto contempt action initiated by the court.

4. In case warrant is required to be issued against the applicant, office to ensure that the warrant be executed on the applicant before the returnable date. Local Police Station is also directed to extend necessary cooperation for execution of bailable warrant on the applicant before the returnable date.